## UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

-X

Brian Finell Kimber and Malinda Kimber,

Adv. Proc. 12-02045 (MG)

Plaintiffs.

V

GMAC Mortgage LLC; Amerigroup

Mortgage Corporation; Transcontinental

Title Co.; Mortgage Electronic Registration

Systems, Inc.; Susan Turner; Ahn P. Nguyen; :

Executive Trustee Service LLC; Pite Duncan, :

LLP; Gabrial Ozel; Raye Mayhorn; Realty

Executives of Killen, Inc.; Sol Jessy Lockhart; :

and Alarcon Law Group P.C.

Defendants.

In re

Case No. 12-12020 (MG)

RESIDENTIAL CAPITAL, LLC, et al.,

Chapter 11

Debtors

Jointly Administered

## ORDER DISMISSING ADVERSARY PROCEEDING PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND (6)

Upon consideration of the complaint (the "Complaint") filed by pro se plaintiffs Brian and Malinda Kimber in the above-captioned adversary proceeding (the "Adversary Proceeding"); and upon consideration of the Motion To Dismiss Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b)(6) by Defendants Susan Turner and Mortgage Electronic Registration Systems, Inc., ("Non-Debtors' Motion," ECF Doc. # 12) and the Debtors' Motion for Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b)(6) and FRCP 12(b)(5), and (6) or, in the Alternative, Permissive Abstention Pursuant to 28 U.S.C.

§ 1334(c)(1) ("Debtors' Motion," ECF Doc. # 13, and together with the Non-Debtors' Motion,

the "Motions"); and it appearing that this Court has jurisdiction to consider the Motions pursuant

to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant

to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408

and 1409; and it appearing that proper and adequate notice of the Motions has been given and

that no other or further notice is necessary; and the Court having held a hearing on the Motions

on March 21, 2013; and the Court having issued the Memorandum Opinion And Order

Dismissing The Adversary Proceeding Pursuant To Federal Rule Of Civil Procedure 12(b)(6)

(the "Memorandum Opinion," ECF Doc. # 18); and after due deliberation; it is hereby

ORDERED ADJUDGED, AND DECREED THAT:

1. For the reasons set forth in the Memorandum Opinion, each of the Motions is

GRANTED as provided in this Order.

2. The Complaint is dismissed with prejudice in its entirety with respect to all

defendants pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon

which relief may be granted, as made applicable to the Adversary Proceeding by Bankruptcy

Rule 7012(b), with each party to bear its own costs.

3. This Court shall retain jurisdiction with respect to all matters relating to the

interpretation or implementation of this Order.

Dated: April 9, 2013

New York, New York

/s/Martin Glenn

MARTIN GLENN

United States Bankruptcy Judge

2